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FAY SHARPE / XEROX - ROCHESTER 1100 SUPERIOR AVE. SUITE 700 CLEVELAND, OH 44114			GOLD, AVIM	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL G. LAMMING, ALLAN MACLEAN,
and ANTHONY F. FRAYLING

Appeal 2008-0369
Application 09/682,488
Technology Center 2100

Decided: May 28, 2008

Before JAMES D. THOMAS, JAY P. LUCAS,
and STEPHEN C. SIU, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1 through 26. We have jurisdiction under 35 U.S.C. § 6(b).

As best representative of the disclosed and claimed invention, method independent claim 1 is reproduced below:

1. A method for controlling a document service request at a mobile computing device, comprising:

receiving a user selection directed at a first web page displayed by a web browser operating at the mobile computing device; the first web page listing document services that may be applied to a selected document identified by a document reference that is accessible on a document server communicating with a web server;

initiating, at the mobile computing device, the document service request in response to the user selection of a document service from the list of the document services available on the first web page; said initiating adding to the document service request a first parameter identifying the selected document accessible to the document server;

displaying, at the mobile computing device after initiating the document service request, a second web page with the web browser; the second web page, received from the web server, (i) identifying parameters associated with the document service request and (ii) embedding therein a control module for communicating between the document server and an output device;

obtaining, at the mobile computing device using the control module, device information identifying a type of output device available over one of two communications channels;

adding, at the mobile computing device using the control module, the device information as a second parameter to the document service request;

transmitting, from the mobile computing device using the control module, the parameters of the document service request to the document server over one of the two communications channels; and

controlling, at the mobile computing device using the control module, a connection between the document server and the output device to transmit there between the selected document in a format suitable for the output device; the mobile computing device establishing the connection with the

document server over a first of the two communications channels and with the output device over a second of the two communications channels.

The following references are relied on by the Examiner:

Lamming	US 5,862,321	Jan. 19, 1999
Fogarty	US 6,311,180 B1	Oct. 30, 2001 (filing date Mar. 28, 2000)
Wang	US 6,493,551 B1	Dec. 10, 2002 (filing date Sept. 17, 1999)

Claims 1 through 26 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the Examiner relies upon Lamming in view of Fogarty as to claims 1 through 15 and 17 through 26. To this combination references, the Examiner adds Wang as to claim 16 in a second stated rejection.

Rather than repeat verbatim the positions of the Appellants and the Examiner, reference is made to the Brief and Reply Brief for Appellants' positions, and to the Answer for the Examiner's positions.

OPINION

Generally, for the reasons set forth by Appellants in the Brief and Reply Brief, we reverse the first stated rejection encompassing independent claims 1, 25, and 26 on appeal relying upon Lamming in view Fogarty. It necessarily follows that we reverse the second stated rejection of dependent claim 16 as well. To the extent pertinent here, each of independent claims 1, 25, and 26 contains corresponding limitations.

The displaying function of representative independent claim 1 on appeal includes the feature of displaying a second web page within the

mobile computing device by means of its web browser, where this second web page in part has embedded in it a control module for communicating between the document server and the output device. It is this language of each independent claim on appeal that is the focus of the dispute between the Examiner and Appellants.

The Examiner recognizes at page 18 of the Answer that this feature is derived from the disclosed paragraph 0121, to which we would add the discussion in paragraph 0122 at page 26 of the Specification as filed. Here the control module 1610 in figure 16 is an ActiveX control embedded in a web page that is running utilizing a prior art operating system for a browser.

Contrary to the view taken by the Examiner at page 18, even as noted by Appellants at page 2 of the Reply Brief, this portion of the Specification does in fact define to an artisan unique terminology relating to embedding because it relates to embedding in a web page a control module that is recited as well in the claims on appeal. We do not agree with the Examiner's view that a person of ordinary skill in the art would consider the embedding in the context of the claims and as disclosed in the Specification to merely mean running a program on a device.

Additionally, the Examiner's view that the mapping functionality in Fogarty corresponds to the claimed control module is also misplaced for the reasons set forth by Appellants. The Examiner's reasoning also does not account for the claimed use of this claimed control module in the obtaining, adding, transmitting, and controlling clauses of the independent claims on appeal.

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Thus, even if we consider Lamming to be properly combinable with Fogarty within 35 U.S.C. § 103, the combination does not meet all of the features required in each independent claim and therefore does not meet all of the features of each dependent claim in both stated rejections.

In view of the foregoing, the decision of the Examiner rejecting claims 1 through 26 under 35 U.S.C. § 103 is reversed.

REVERSED

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1100 SUPERIOR AVE.
SUITE 700
CLEVELAND OH 44114